



NEWS RELEASE

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DAVIS ADMINISTRATION ANNOUNCES CONSUMER PROTECTION INITIATIVE TO AID NURSING HOME RESIDENTS

SACRAMENTO – The Davis Administration today announced three new proposals that will expand consumer protection for seniors in nursing homes and stiffer penalties for nursing home violations. California Health and Human Services Agency Secretary Grantland Johnson, State Health Director Diana M. Bontá, R.N., Dr.P.H., and Director of the Department of Aging Lynda Terry joined consumer and stakeholders organizations to underscore the Administration's commitment to quality care in California nursing homes.

"This is an ongoing effort to promote quality of care and quality of life for California's frail and elderly residents who live in nursing homes," Gov. Gray Davis said. "Our Aging with Dignity initiative has protected the rights of nursing home residents by increasing staffing in nursing homes, increasing penalties for care violations and giving the Department of Health Services the authority to immediately take over troubled nursing homes."

The three proposals would do the following:

- Expand statewide within one year the Health Facility Consumer Assistance Center pilot project, a one-stop shop for help with questions and concerns about nursing homes.
- Increase monitoring of nursing homes by trained and dedicated resident advocates through expansion of the Long-Term Care Ombudsman Program administered by the California Department of Aging.
- Increase penalties for nursing home violations and hold nursing homes accountable for violations of the law.

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"We owe it to our senior citizens who live in nursing homes to provide the best, affordable care available," said Secretary Grantland Johnson. "These new initiatives offer further protections and improved services for this important segment of our State."

The Health Facility Consumer Assistance Center responds to consumer inquiries and complaints about nursing homes, provides information and resolves problems between residents and nursing homes.

"In the first two months, the Health Facilities Consumer Assistance Center responded to more than 2,000 inquiries from seniors and their families with questions or complaints about nursing homes," said Bontá. "This proposal will enable the Center to respond to well over 200,000 inquiries annually when it is expanded statewide."

The Long-Term Care Ombudsman Program oversees 1,300 community volunteers who serve as resident advocates in long-term care facilities. The proposal will result in an additional 650 advocates who will assist DHS in monitoring the quality of care and refer suspected abuse, neglect or other serious care issues to DHS for investigation.

"Expanding the Long-Term Care Ombudsman Program will result in a 50 percent increase in the number of dedicated volunteers monitoring the quality of care in nursing homes," said Lynda Terry, director of the California Department of Aging.

As part of DHS' regulatory oversight of nursing homes, this initiative also would increase penalties from a range of \$100 to \$1,000 to \$200 to \$2,000 for "B" citations, levied for those offenses that cause no patient harm. Fines would be tripled for "A" citations, levied for the more serious violations that cause patient harm, if the same violation occurs within a 24-month period.

Nursing homes would also be required to notify DHS of any court actions filed. DHS would have the authority to require a nursing home that is decertified to wait up to two years before re-applying to participate in Medi-Cal, the state's health insurance program for low-income and needy residents.

The three proposals build upon the success of Gov. Davis' Aging with Dignity initiative, a multi-faceted, integrated strategy to improve California's system of long-term care. Achievements include the following:

Staffing

Minimum nurse staffing levels are higher -- from 3.0 to 3.2 nursing hours per patient day. Additional funds have been provided for caregiver salary, wages and benefits to improve recruitment and retention of dedicated direct care staff. The 1999-2000 and 2000-01 budgets, respectively, provided increases of \$54 million and \$200 million for this purpose. The Caregiver Training Initiative earmarked \$25 million in grants to increase the number of caregivers trained, to improve recruitment and retention of staff, and to provide for career ladders for the care giving profession.

Reimbursement

Nursing homes received a 19.2 percent increase in the Medi-Cal reimbursement rate during the last two fiscal years for the increased costs of care.

Governor Davis signed legislation that will require Medi-Cal to establish a reimbursement methodology commensurate with the level of care needed and the facility's demonstrated ability to meet that need.

Oversight and Enforcement

The dollar amount of fines collected has increased 64 percent. In state fiscal year 2001-02 - \$2,392,000 in fines were collected, a significant increase over the amount collected in state fiscal year 1998-99 - \$1,554,000.

DHS was given authority to immediately appoint a temporary manager to take over troubled facilities. In 2001, the department used this authority to quickly intervene in three facilities that had been abandoned by their owner. The action prevented disruption of services to residents.

DHS implemented a stringent, centralized screening of applicants for a nursing home license. If an owner of a nursing home fails to provide good care for the residents in his or her home, the department will not approve a license for an additional facility.

DHS has expanded the opportunities for qualified applicants to become licensed as nursing home administrators and installed a toll-free number for administrators and members of the public to submit questions or file complaints against administrators.

DHS updated and expanded the Resident Rights' Education packet of fact sheets to inform residents and the people who love them about their rights. An individual copy of the packet is available free of charge by calling toll-free at (866) 447-4518, or it can be viewed or downloaded by visiting the department's Web site at www.dhs.ca.gov.

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